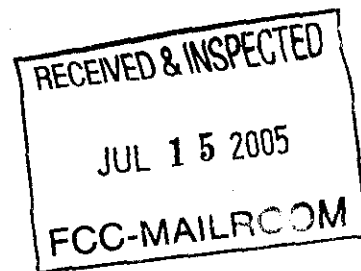


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Before the
Federal Communications Commission
Washington, D.C. 20554



| | | |
|--------------------------------|---|-----------------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b) |) | |
| Table of Allotments, |) | |
| FM Broadcast Stations. |) | |
| (Baudette, Minnesota) |) | MB Docket No. 04-403 |
| |) | RM-11097 |
| |) | |
| (Fernley, Nevada) |) | MB Docket No. 04-349 |
| |) | RM-10827 |
| |) | |
| (Pittsburg, Oklahoma) |) | MB Docket No. 04-351 |
| |) | RM-10828 |
| |) | |
| (Paducah, Texas) |) | MB Docket No. <u>04-342</u> |
| |) | RM-10732 |

REPORT AND ORDER
(Proceeding Terminated)

Adopted: July 13, 2005

Released: July 15, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it *Notices of Proposed Rule Making*,¹ specified below, setting forth four separate proposals to allot a FM channel to a specific community. Each petitioner filed comments in support of its proposal reaffirming its intention to apply for the specified channel, if allotted. Each proposal complies with all Commission technical requirements and we continue to believe that each proposal would serve the public interest. Accordingly, we adopt each proposal as originally proposed. These are as follows:

A. MB Docket No. 04-403; RM-11097

Action: At the request of R.P. Broadcasting, Inc., we are allotting Channel 233C1 at Baudette, Minnesota, as that community's first local aural transmission service.²

¹ *Baudette, Minnesota*, 19 FCC Rcd 20894 (MB 2004); *Fernley, Nevada and Pittsburg, Oklahoma*, 19 FCC Rcd 17452 (MB 2004); and *Paducah, Texas*, 19 FCC Rcd 16616 (MB 2004).

² As stated in the *Notice*, Baudette is an incorporated city with a 2000 U.S. Census population of 1,104 persons. Baudette has its own post office, zip code, elementary and secondary school system, health facilities, and a number of local churches and commercial businesses. Baudette also has its own weekly newspaper, *The Northern Light*.

Coordinates: The reference coordinates for Channel 233C1 at Baudette are 48-42-52 North Latitude and 94-35-32 West Longitude.

Additional Information: The allotment requires a site restriction of 0.6 kilometers (0.4 miles) east to avoid a short-spacing to Canadian Station CHIQ-FM, Channel 232C, Winnipeg, Manitoba, Canada.

FCC Contact: Rolanda F. Smith (202) 418-2180

B. MB Docket No. 04-349; RM-10827

Action: At the request of Linda A. Davidson, we are allotting Channel 231C3 at Fernley, Nevada, as that community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 231C3 at Fernley are 39-37-00 North Latitude and 119-08-51 West Longitude.

Additional Information: The allotment requires a site restriction of 9 kilometers (5.6 miles) east to avoid a short-spacing to the license site of FM Station KHXR, Channel 233C2, Sun Valley, Nevada.

The *Notice* requested the Petitioner to submit additional information demonstrating that Fernley is a "community" for allotment purposes because the community is a Census Designated Place ("CDP") located in Lyon County, Nevada with a 2000 U.S. Census population of 8,543 persons. Petitioner submitted sufficient information in its comments demonstrating that Fernley is a "community" for allotment purposes.³ As such, we conclude that Fernley is a "community" for allotment purposes.

FCC Contact: Rolanda F. Smith (202) 418-2180

C. MB Docket No. 04-351; RM-10828

Action: At the request of Charles Crawford, we are allotting Channel 232A at Pittsburg, Oklahoma, as that community's first local aural transmission service.⁴

Coordinates: The reference coordinates for Channel 232A at Pittsburg are 34-41-15 North Latitude and 95-42-19 West Longitude.

³ Petitioner states that Fernley is an incorporated town in Lyon County, Nevada since 2001. Fernley has its own elementary school, intermediate and high school that bear Fernley at the beginning of its name. The community also has its own post office, volunteer fire department, and government offices such as Fernley Town Finance Department, Fernley Chamber of Commerce, Lyon County Justice Courthouse and Lyon County Sheriff's Office. Fernley has its own zip codes (89406, 89408) and telephone exchanges (775-575 and 775-789). There are thirteen restaurants, twenty doctors, dentists and chiropractors, two drug stores, several food and department stores, three banks and nine churches located in Fernley.

⁴ As stated in the *Notice*, Pittsburg is an incorporated town with a 2000 US Census population of 280 persons. Pittsburg has its own mayor, post office, zip code (74560), fire department, city hall, school district and a number of churches.

Additional Information: This allotment requires a site restriction of 13.5 kilometers (8.4 miles) east to avoid short-spacing to the license site of FM Station KTSO, Channel 231C1, Glenpool, Oklahoma.

To accommodate the Pittsburg allotment, we are also relocating the reference coordinates for vacant Channel 232A at Cove, Arkansas. The reference coordinates are 34-21-00 North Latitude and 94-30-00 West Longitude. This new site is 12.5 kilometers (7.8 miles) southwest of Cove.

FCC Contact: Rolanda F. Smith (202) 418-2180

D. MB Docket No. 04-342; RM-10732

Action: At the request of Charles Crawford, we are allotting Channel 234C3 at Paducah, Texas, as that community's first local aural transmission service.⁵

Coordinates: The reference coordinates for Channel 234C3 at Paducah are 34-00-48 North Latitude and 100-18-24 West Longitude.

Additional Information: This allotment requires no site restriction because the location is at city reference coordinates.

The allotment of Channel 234C3 at Paducah is conditioned on the outcome of MM Docket No. 00-148.⁶ In this regard, the allotment of Channel 234C3 at Paducah conflicts with a dismissed proposal in MM Docket No. 00-148, requesting the allotment Channel 233C3 to Quanah, Texas.⁷

FCC Contact: Rolanda F. Smith (202) 418-2180

2. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b), and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective August 29, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

| <u>Community</u> | <u>Channel No.</u> |
|---------------------|--------------------|
| Baudette, Minnesota | 233C1 |
| Fernley, Nevada | 231C3 |
| Pittsburg, Oklahoma | 232A |
| Paducah, Texas | 234C3 |

3. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

⁵ Paducah is an incorporated community with a population of 1,498 people. Paducah has numerous businesses, churches, Chamber of Commerce, its own local government, post office, fire and police department and schools to serve its residents.

⁶ See *Auburn, Alabama, et al*, 18 FCC Rcd 10333 (MB 2003).

⁷ See *Quanah, TX et. al*, 18 FCC Rcd 9495 (MB 2003)

4. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

6. For further information concerning a specific docket, contact the FCC Contact listed above for that docket.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau